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KILLING NO Murder:

Briefly Discourſed
In Three QUESTIONS.

By Col: TITUS, *alias* WILLIAM ALLEN.

And all the People of the Land rejoyed, and the City was quiet, after that they had ſlain Athaliah *with the Sword.* 2 Chron. 23. 21. *Now after the Time that* Amaziah *did turn away from following the Lord, they made a Conſpiracy againſt him in* Jeruſalem, *and he fled to* Lachiſh: *But they ſent to* Lachiſh *after him, and ſlew him there.* 2 Chron. 25. 27.

LONDON:
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TO
HIS HIGHNESS
OLIVER CROMWELL.

May it please your Highness,

HOW *I have spent some Hours of the Leisure your Highness hath been pleased to give me, this following Paper will give your Highness an Account; how you will please to interpret it I cannot tell, but I can with Confidence say, my Intention in it is, to procure your Highness that Justice no Body yet does you, and to let the People see the longer they defer it, the greater Injury they do both themselves and you. To your Highness justly belongs the Honour of Dying for the People, and it cannot choose but be an unspeakable Consolation to you in the last Moments of your Life, to consider, with how much Benefit to the World you are like to leave it. 'Tis then only (my Lord) the Titles you now usurp will be truly yours, you will then be indeed the Deliverer of your Country, and free it from a Bondage little inferiour to that from which* Moses *delivered his: You will then be that True Reformer, which you would now be thought: Religion shall be then restored. Liberty asserted, and Parliaments have those Priviledges they have fought for: We shall then hope that other Laws will have place besides those of the Sword, and that Justice shall be otherwise defined than the Will and Pleasure of the strongest; and we shall then hope Men will keep Oaths again, and not have the Necessity of be-*

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ing false and perfidious to preserve themselves, and be like their Rulers: All this we hope from your Highness's Happy Expiration, who are the True Father of your Country; for while you live, we can call nothing ours, and it is from your Death that we hope for our Inheritances: Let this Consideration arm and fortifie your Highness's Mind against the Fears of Death, and the Terrors of your Evil Conscience, that the Good you will do by your Death, will somewhat ballance the Evils of your Life. And if in the Black Catalogue of High Malefactors, few can be found that have lived more to the Affliction and Disturbance of Mankind, than your Highness hath done; yet your greatest Enemies will not deny but there are likewise as few that have expired more to the universal Benefit of Mankind, than your Highness is like to do. To hasten this Great Good is the Chief End of my writing this Paper, and if it have the Effects I hope it will, your Highness will quickly be out of the Reach of Mens Malice, and your Enemies will only be able to wound you in your Memory, which Strokes you will not feel. That your Highness may be speedily in this Security, is the Universal Wishes of your Grateful Country; this is the Desires and Prayers of the Good and of the Bad, and it may be is the only Thing wherein all Sects and Factions do agree in their Devotions, and is our Only Common Prayer. *But amongst all that put in their Requests and Supplications for your Highness's Speedy Deliverance from all Earthly Troubles, none is more assiduous nor more fervent than he, that with the rest of the Nation hath the Honour to be*

(May it please your Highness)

Your Highness's present Slave and Vassal,

W. A.

TO

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To all those Officers and Soldiers of the Army, that remember their Engagements, and dare be Honest.

I *Heartily wish for* England's *Sake, That your Number may be far greater than I fear it is; and that His Highness's frequent Purgations may have left any amongst you, that by these Characters are concern'd in this Dedication. That I and all Men have Reason to make this a Doubt, your own Actions, as well as your tame Sufferings do but too plainly manifest. For you that were the Champions of our Liberty, and to that Purpose were raised, are not you become the Instruments of our Slavery? And your Hands that the People employed to take off the Yoke from our Necks, are not those the very Hands that now do put it on? Do you remember that you were raised to defend the Priviledges of Parliament, and have Sworn to do it; and will you be employed to force Elections, and dissolve Parliaments, because they will not establish the Tyrant's Iniquity, and our Slavery by a Law? I beseech you, think upon what you have promised, and what you do, and give not Posterity, as well as your own Generation, the Occasion to mention you with Infamy, and to Curse that unfortunate Valour*

and

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and Succeſs of yours, that only hath gained Victories (as you uſe them) againſt the Common-Wealth. Could ever England *have thought to have ſeen that Army that was never mentioned without the Titles of Religious, Zealous, Faithful, Couragious, the Fence of her Liberty at home, the Terrour of her Enemies abroad, become her Goalers? Not her Guard, but her Oppreſſors? Not her Soldiers, but a Tyrant's Executioners, drawing to Blocks and Gibbets all that dare be honeſter than themſelves? This you do, and this you are; nor can you ever redeem your own Honour, the Truſt and Love of your Country, the Eſtimation of Brave Men, or the Prayers of good, if you let not ſpeedily the World ſee you have been deceived, which they will only then believe, when they ſee your Vengeance upon his faithleſs Head that did it: This if you defer too long to do, you will find too late to attempt, and your Repentance will neither vindicate you, nor help us. To let you ſee you may do this as a Lawful Action, and to perſuade you to it as a Glorious One, is the principal Intent of this following Paper; Which, whatever Effects it hath upon you, I ſhall not abſolutely fail of my Ends; for if it excites not your Virtue and Courage, it will yet exprobrate your Cowardiſe and Baſeneſs. This is from One that was once One amongſt you, and will be ſo again when you dare be as you were.*

KILLING

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KILLING NO *MURDER*, &c.

IT is not any Ambition to in be print, when ſo few ſpare Paper and the Preſs, nor any Inſtigations of private Revenge or Malice (tho' few that dare be honeſt now want their cauſes) that have prevailed with me to make my ſelf the Author of a Pamphlet, and to diſturb that Quiet which at preſent I enjoy, by his Highneſs's great Favour and Injuſtice. Nor am I ignorant to how little purpoſe I ſhall employ that time and pains, which I ſhall beſtow upon this Paper. For to think that any Reaſons or Perſwaſions of mine, or Convictions of their own, ſhall draw Men from any thing wherein they ſee Profit or Security, or to any thing wherein they fear Loſs, or ſee Danger, is to have a better opinion both of my ſelf and them, than either of us both deſerve.

Beſides, the Subject, it ſelf is of that nature, that I am not only to expect danger from ill Men, but cenſure and diſallowance from many that are good; for theſe Opinions only look'd

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upon, not looked into (which all have not eyes for) will appear bloody and cruel; and these compellations I must expect from those that have a Zeal, but not according to knowledge. If therefore I had considered my self, I had spared whatever this is of pains, and not distasted so many, to please so few as are in Mankind (the honest and the wise.) But at such a time as this, when God is not only exercising us with an usual and common Calamity, of letting us fall into Slavery that used our Liberty so ill; but is pleased so far to blind our Understandings, and to debase our Spirits, as to suffer us to court our Bondage, and to place it amongst the Requests we put up to him; Indignation makes a Man break that silence that Prudence would perswade him to use; if not to work upon other Mens Minds, yet to ease his own.

A late Pamphlet tells us of a great Design discovered against the Person of his Highness, and of the Parliaments coming (for so does that Junto prophane that Name) to congratulate with his Highness, his happy Deliverance from that wicked and bloody Attempt. Besides this, that they have ordered that God Almighty shall be mock'd with a Day of Thanksgiving (as I think the World is with the Plot) and that the People shall give publick Thanks for the publick Calamity, that God is yet pleased to continue his Judgments upon them, and to frustrate all means that are used for their Deliverance. Certainly none will now deny that the *English* are a very thankful People. But I think if we had read in Scripture that the *Israelites* had cried unto the Lord, not for their own Deliverance, but the preservation of their Task-Masters, and that they had thanked God with Solemnity that *Pharaoh*

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raoh was yet living, and that there was ſtill great hopes of the daily encreaſe of the number of their Bricks: Tho' that People did ſo many things, not only impiouſly and prophanely, but ridiculouſly and abſurdly; yet certainly they did nothing we ſhould more have wondered at, than to have found them ceremonioufly thankful to God for Plagues, that were commonly ſo brutiſhly unthankful for Mercies; and we ſhould have thought that *Moſes* had done them a great deal of wrong, if he had not ſuffered them to enjoy their Slavery, and left them to their Tasks and Garlick.

I can with Juſtice ſay, my principal intention in this Paper is not to declaim againſt my Lord *Protector* or his Accomplices; for were it not more to juſtifie others than to accuſe them, I ſhould think their own Actions did that work ſufficiently, and I ſhould not take pains to tell the World what they knew before; my deſign is, to examine whether if there hath been ſuch a Plot as we hear of; and that it was contrived by Mr. *Sindercombe* againſt my Lord *Protector*, and not by my Lord *Protector* againſt Mr. *Sindercombe* (which is doubtful) whether it deſerves thoſe Epithets Mr. *Speaker* is pleaſed to give it, of bloody, wicked, and proceeding from the Prince of Darkneſs. I know very well how uncapable the Vulgar are of conſidering what is extraordinary and ſingular in every Caſe, and that they judge of things, and name them by their exterior appearances, without penetrating at all into their Cauſes or Natures: And without doubt when they hear the *Protector* was to be killed, they ſtrait conclude a Man was to be murthered, not a Malefactor puniſhed: For they think the Formalities do always make the things

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themſelves, and that 'tis the Judge and the Crier that makes the Juſtice, and the Goal the Criminal. And therefore when they read in the Pamphlet Mr. *Speaker*'s Speech, they certainly think he gives theſe Plotters their right Titles; and, as readily as a High Court of Juſtice, they condemn them, without ever examining whether they would have killed a Magiſtrate, or deſtroyed a Tyrant, over whom every Man is naturally a Judge and an Executioner, and whom the Laws of God, of Nature, and of Nations expoſe, like Beaſts of Prey, to be deſtroyed as they are met.

That I may be as plain as I can, I ſhall firſt make it a queſtion (which indeed is none) whether my Lord *Protector* be a Tyrant or not? *Secondly*, if he be, Whether it is lawful to do Juſtice upon him without Solemnity, that is, *to kill him*? *Thirdly*, If it be lawful, Whether it is likely to prove profitable or noxious to the Common-Wealth?

* The Civil Law makes Tyrants of two ſorts; *Tyrannus ſine Titulo*, and *Tyrannus Exercitio*: The one is called a Tyrant becauſe he hath no Right to govern; the other becauſe he governs Tyrannically. We will briefly diſcourſe of them both, and ſee whether the *Protector* may not with great Juſtice put in his claim to both Titles.

We ſhall ſufficiently demonſtrate who they are that have not a right to govern, if we ſhew who they are that have; and what it is that makes the Power juſt, which thoſe that rule, have over the natural Liberty of other Men. To Fathers within their private Families Nature hath given a Supreme Power. Every Man, ſays

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* *Firſt Queſtion.*

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ſays *Ariſtotle*, (*a*) of Right governs his Wife and Children; and this Power was neceſſarily exerciſed (*b*) every where, whilſt Families lived diſperſed, (*c*) before the Conſtitution of Common-Wealths; and in many places it continued after, as appears by the Laws of *Solon*, and the moſt ancient of thoſe of *Rome*. And indeed, as by the Laws of God (*d*) and Nature, the Care, Defence, and Support of the Family lies upon every Man whoſe it is; ſo by the ſame Law, there is due unto every Man from his Family a Subjection and Obedience, in compenſation of that ſupport. But ſeveral Families uniting themſelves together to make up one Body of a Common-Wealth, and being independant one of another, without any natural Superiority or Obligation, nothing can introduce amongſt them a diſparity of Rule and Subjection, but ſome Power that is over them, which Power none can pretend to have but God and themſelves: † Wherefore all Power which is lawfully exerciſed over ſuch a Society of Men (which from the end of its inſtitution we call a Common-Wealth) muſt neceſſarily be derived either from the appointment of God Almighty, who is Supreme Lord of all and every part, or from the conſent of the Society it ſelf, who have the next Power to his, of diſpoſing of their own Liberty, as they ſhall think fit for their own good. This Power God hath given to Societies of Men, as well as he gave it to particular (*e*) Perſons, and when he interpoſes not his own Authority, and appoints not himſelf who ſhall be his Vice-Gerents,

(*a*) *Pol.* l. 1. c. 1. (b) *Gen.* 34. 24. (c) *Ariſt.* ibid. (d) 1 *Tim.* 5. 8. *Vid.* † *Hooker Eccleſ. Pol.* l. 1. c. 10. (*e*) *Exod.* 21. 5.

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rents, and rule under him; he leaves it to none but the People themſelves to make the Election, whoſe benefit is the end of all Government. Nay, when he himſelf hath been pleaſed to appoint Rulers for that People, which he was pleaſed particularly to own; he many times made the Choice, but left the Confirmation and Ratification of that Choice to the People themſelves. So *Saul* (*f*) was choſen by God, and anointed King by his Prophet, but made King by all the People at *Gilgal* (*g*) *David* was anointed King (*h*) by the ſame Prophet; but was afterwards, after *Saul*'s Death, confirmed by the People of *Juda* (*i*) and ſeven Years after by the Elders of (*k*) *Iſrael*, the Peoples Deputies, at *Chebron*: And it is obſervable, that tho' they knew that *David* was appointed King by God and anointed by his Prophet, yet they likewiſe knew that God allowed to themſelves not only his Confirmation, but likewiſe the limitation of his Power; for before his Inauguration they made a League (*l*) with him; that is, obliged him by Compact to the performance of ſuch Conditions as they thought neceſſary for the ſecuring their Liberty. Nor is it leſs remarkable, that when God gives Directions to his People concerning their Government, he plainly leaves the Form to themſelves: For he ſays not, when thou ſhalt have come into the Land which the Lord thy God gives thee, *Statues ſuper te Regem*; but, *Si* (*m*) *dixeris ſtatuam*. God ſays not, Thou ſhalt appoint a King over thee: But if thou ſhalt ſay, I will appoint, leaving it to their choice, whether

(*f*) 1 *Sam.* 10. 1. (*g*) 1 *Sam.* 12 2. (*h*) 1 *Sam.* 16. 14. (*i*) 2 *Sam.* 2. 4. (*k*) 2 *Sam.* 5. 3. (*l*) 2 *Sam.* 5. 3. (*m*) *Deut.* 17. 14.

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ther they would say so or no. And it is plain in that place; that God gives the People the choice of their King, for he there instructs them whom they shall choose, *E medio fratrum tuorum*, one out of the midst of thy Brethren; much more might we say, if it were a less manifest Truth, that all just Power of Government is founded upon these two Bases, of Gods immediate Command, or the Peoples Consent. And therefore, whosoever arrogates to himself that Power, or any part of it, that cannot produce one of those two Titles, is not a Ruler, but an Invader, and those that are subject to that Power, are not governed, but oppress.

This being considered, have not the People of *England* much reason to ask the *Protector* this Question; *Quis constituit te virum principem & judicem super nos*? Who made thee a Prince and a Judge over us? If God made thee, make it manifest to us: If the People, Where did we meet to do it? Who took our Subscriptions? To whom deputed we our Authority? And when and where did those Deputies make the Choice? Sure these Interrogations are very natural, and I believe, would much trouble his Highness's Council, and his Junto to answer. In a word, that I may not tire my Reader (who will not want Proofs for what I say, if he wants not Memory) if to change the Government without the Peoples Consent: If to dissolve their Representatives by force, and disanul their Acts: If to give the name of the Peoples Representatives to Confederates of his own, that he may establish Iniquity by a Law: If to take away Mens Lives out of all course of Law, by certain Murtherers of his own appointment, whom he names *A High Court of Justice*: If to

decimate

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decimate Mens Eſtates, and by his own Power to impoſe upon the People what Taxes he pleaſes; and to maintain all this by force of Arms: If I ſay all this does make a Tyrant, his own Impudence cannot deny but he is as compleat an one as ever hath been ſince there have been Societies of Men. He that hath done, and does all this, is the Perſon for whoſe preſervation the People of *England* muſt pray; but certainly if they do, 'tis for the ſame reaſon that the old Woman of *Syracuſe* prayed for the long Life of the Tyrant *Dyoniſius*, leſt the Devil ſhould come next.

Now, if inſtead of God's Command, or the Peoples Conſent, his Highneſs hath no other Title but Force and Fraud, which is to want all Title: And if to violate all Laws, and propoſe none to rule by; but thoſe of his own will, be to exerciſe that Tyranny he hath uſurp'd, and to make his Adminiſtration conformable to his Claim; then the firſt Queſtion we propoſed is a Queſtion no longer.

But before we come to the ſecond, being things are more eaſily perceived and found by the deſcription of their *exterior Accidents and Qualities*, than the defining their Eſſences: It will not be amiſs to ſee, whether his Highneſs hath not as well the outward Marks and Characters by which Tyrants are known, as he hath their *Nature and Eſſential* Properties: Whether he hath not the Skin of the Lion and Tail of the Fox, as well as he hath the Violence of the one and Deceit of the other. Now in this Delineation which I intend to make of a Tyrant, all the Lineaments, all the Colours, will be found ſo naturally to correſpond with the Life, that it cannot but be doubted, whether his

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his Highneſs be the Original or the Copy. Whether I have in drawing the Tyrant Repreſented him; or in Repreſenting him, Expreſt a Tyrant: And therefore leaſt I ſhould be ſuſpected to deal unſincerely with his Highneſs, and not to have applyed theſe following Characters, but made them, I ſhall not give you any of my own ſtamping, but ſuch as I find in *Plato*, *Ariſtotle*, *Tacitus*, and his Highneſs's own *Evangeliſt*, *Machiavell.* *

1. Almoſt all Tyrants have been firſt Captains and Generals for the People, under pretences of vindicating or defending their Liberties. *Ut imperium evertant Libertatem preferunt; cum perverterunt, ipſam aggrediuntur*; ſays (*n*) *Tacitus* to ſubvert the preſent Government, they pretend Liberty for the People, when the Government is down, they then invade that Liberty themſelves; this needs no Application.

2. Tyrants accompliſh their Ends much more by Fraud than Force. Neither Virtue nor Force (ſays *Machiavel*) (*o*) are ſo neceſſary to that purpoſe, as *una Aſtutia fortunata*, a lucky Craft; which ſays he (*p*) without Force has been often found ſufficient, but never Force without that. And in another place (*q*) he tells us their way is *Aggirare Icervelli de gli huomini con Aſtutia, &c.* With cunning plauſible Pretences to impoſe upon

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* *The Marks of a Tyrant.* Ariſt. Pol. l. 5. c. 10. Vid. Mach. Diſcor. lib. 1. cap. 40.

(n) An. lib. 1. *Idem alibi cæterum libertas & ſpecioſa nomina præexuntur, nec quiſquam alienam ſervitium, & Dominationem ſibi concupivit, ut non eadem iſta vocabula uſurparet.*

Mach. Diſcor. lib. 2. cap. 13. (o) *Il. princ.* c. 9. (p) *Diſc* lib. 2. cap. 13. (q) *Princ.* c. 18.

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Mens Underſtandings, and in the end they maſter thoſe that had ſo little Wit as to rely upon their Faith and Integrity.

'Tis but unneceſſary to ſay, that had not his Highneſs had a faculty to be fluent in his Tears, and eloquent in his Execrations: Had he not had ſpongie Eyes, and a ſupple Conſcience; and beſides to do with a People of great Faith but little Wit: His Courage, and the reſt of his Moral Virtues, with the help of his Janizeries, had never been able ſo far to advance him out of the reach of Juſtice, that we ſhould have need to call for any other hand to remove him, but that of the Hangman.

3. They abaſe all excellent Perſons, and rid out of the way all that have noble Minds, *Et terræ filios extollunt*, and advance Sons of the Earth.

To put *Ariſtotle* * into other words, they purge both Parliament and Army, till they leave few or none there, that have either Honour or Conſcience, either Wit, Intereſt, or Courage to oppoſe their Deſigns. And in theſe Purgations (ſaith *Plato*) † Tyrants do quite contrary to Phyſicians; for they purge us of our Humours, but Tyrants of our Spirits.

4. They dare ſuffer no Aſſemblies, not ſo much as Horſe-Races.

5. In all places they have their Spies and Dilators, that is, they have their *Fleetwoods*, their *Broughals*, their *St. Johns*, (beſides innumerable ſmall Spies) to appear diſcontented and not to ſide with them; that under that diſguiſe they may get

Ariſt. Pol. l. 5. c. 11. † *Plato de Rep.* lib. 8. ibid.

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get truſt, and make diſcoveries. They likewiſe have their Emiſſaries to ſend with forged Letters. If any doubt this let him ſend to Major General *Brown*, and he will ſatisfie him.

6. They ſtir not without a Guard, nor his Highneſs without his Life-guard.

7. They impoveriſh the People, that they may want the Power, if they have the Will to attempt any thing againſt them. His Highneſs's way is by Taxes, Exciſe, Decimations, *&c.*

8. They make War to divert and buſie the People: And beſides to have a pretence to raiſe Monies and to make new Levies, if they either diſtruſt their old forces, or think them not ſufficient. The War with *Spain* ſerveth his Highneſs to this purpoſe; and upon no other Juſtice was it begun at firſt, or is ſtill continued.

9. They will ſeem to honour and provide for good Men: That is, if the Miniſters will be Orthodox and Flatter; if they will wreſt and torture the Scripture to prove his Government lawful, and furniſh him with Title; his Highneſs will likewiſe be then content to underſtand Scripture in their favour, and furniſh them with Titles.

10. Things that are odious and diſtaſtful they make others Executioners of; and when the People are diſcontented, they appeaſe them with ſacrificing thoſe Miniſters they imploy. I

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Ariſt. ibid. *Ariſt.* ibid. Id. Ibid. & *Plato de Rep.* lib. 9. Id. ibid. *Ariſt.* ibid. *Machiev.* Pr. cap. 19. Machiavel *adds, And do grateful things themſelves. But that I omit; for I really am unprovided of an Inſtance for his Highneſs, for I have not yet heard of any good he hath done himſelf.*

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leave it to his Highneſs's Major-Generals to ruminate a little upon this point.

11. In all things they pretend to be wonderful careful of the Publick; to give general Accompts of the Money they receive, which they pretend to be levied for the maintenance of the State, and the proſecuting of the War. His Highneſs made an excellent Comment upon this place of *Ariſtotle*, in his Speech to this Parliament.

12. All things ſet aſide for Religious uſes they ſet to ſale; that while thoſe things laſt they may exact the leſs of the People. The Cavaliers would interpret this of the Dean and Chapters Lands.

13. They pretend Inſpirations from God, and Reſponces from Oracles to authoriſe what they do; his Highneſs hath been ever an Enthuſiaſt. And as *Hugh Capet*, in taking the Crown, pretended to be admoniſh'd to it in a dream by St. *Valery* and St. *Richard*; ſo I believe will his Highneſs do the ſame, at the Inſtigation of St. *Henry* and St. *Richard*, his two Sons.

14. Laſtly, Above all things they pretend a love to God and Religion. This *Ariſtotle* calls *Artuæ Tyrannicariæ potiſſimam*; the ſureſt and beſt of all the Arts of Tyrants; and we all know his Highneſs hath found it ſo by experience, * He hath found indeed, that in Godlineſs there is great gain; and that Preaching and Praying, well managed, will obtain other Kingdoms as well as that of Heaven. His indeed have been pious

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Ariſt. ibid. *Plato de Repub.* lib. 8. *Id.* & *Plut. paſſim.* * *Hiſt. of Franc. Ibid.* lib. 5. c. 11.

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pious Arms, he for hath conquered moſt by thoſe of the Church, by Prayers and (r) Tears. But the truth is, were it not for our Honour to be governed by one that can manage both the Spiritual and Temporal Sword, and *Roman* like, to have our Emperor our High Prieſt, we might have had Preaching at a much cheaper rate, and it would have coſt us but our Tithes, which now coſts us all.

Other Marks and Rules there are mentioned by *Ariſtotle* to know Tyrants by; but they being unſuitable to his Highneſs's Actions, and impracticable by his Temper, I inſiſt not on them. As among other things (ſ) *Ariſtotle* would not have a Tyrant inſolent in his behaviour, nor ſtrike People. But his Highneſs is naturally cholerick, and muſt call Men Rogues, and go to cuffs. At laſt he concludes he ſhould ſo faſhion his manners, as neither to be really good, nor abſolutely bad, but half one, and half t'other. Now this half good is too great a proportion for his Highneſs, and much more than his Temper will bear.

But to ſpeak Truths more ſeriouſly, and to conclude this firſt Queſtion. Certainly whatever theſe Characters make any Man, it cannot be denied but his Highneſs is; and then if he be not a Tyrant, we muſt confeſs we have no definition nor deſcription of a Tyrant left us, and may well imagine there is no ſuch thing in nature, and that 'tis only a notion and a name. But if there be ſuch a Beaſt, and we do at all believe what we ſee and feel, let us now enquire, according

(r) *Preces & lacrymæ ſunt arma Eccleſiæ.* (ſ) *Pol. l. 5. c. 11.*

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according to the method we propoſed, whether this be a Beaſt of Game that we are to give Law to, or a Beaſt of Prey to deſtroy with all means which are allowable and fair?

* In deciding this queſtion Authors very much differ, as far as it concerns Supream Magiſtrates, who degenerate into Tyrants. Some think they are to be Born with as bad (t) Parents; and place them in the number of thoſe miſchiefs (u) that have no other cure but our patience. Others think they may be queſtion'd by that Supream Law of the Peoples ſafety; and that they are anſwerable to the Peoples Repreſentatives for the Breach of their Truſt. But none, of ſober ſenſe, makes private Perſons Judges of their actions; which were indeed to ſubvert all Government. But on the other ſide, I find none, that have not been frighted or corrupted out of their Reaſon, that have been ſo great Enemies to common Juſtice, and the Liberty of Mankind; as to give any kind of Indemnity to a Uſurper, who can pretend no Title, but that of being ſtronger; nor challenge the Peoples obedience upon any other obligation but that of their neceſſity, and fear. Such a Perſon, as one out of all bounds of human protection, all Men make the *Iſhmael* (x) againſt whom is every Mans hand, as his is againſt every Man. To him they give no more ſecurity then *Cain*, his fellow-murtherer and oppreſſor, promiſed to himſelf, to be deſtroyed by him that found him firſt.

The

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* *Whether it be lawful to kill a Tyrant?* (t) *Ames Parentem ſi aquus eſt; ſi non, feras.* (u) *Sicut ſterilitatem, aut nimios imbres* Tacit. (x) *Gen.* 16. 12.

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The reaſon why a Tyrants caſe is particular, and why in that every Man hath that vengeance given him, which in other caſes is reſerved to God and the Magiſtrate, cannot be obſcure, if we rightly conſider what a Tyrant is, what his crimes are, and in what ſtate he ſtands with the Common-wealth, and with every Member of it. And certainly if we find him an Enemy to all human Society, and a ſubverter of all Laws, and one that by the greatneſs of his villanies, ſecures himſelf againſt all ordinary courſe of juſtice: We ſhall not at all think it ſtrange, if then he have no benefit from human Society, no protection from the Law, and if, in his caſe, juſtice diſpenſes with her forms. We are therefore to conſider that the end, for which Men enter into Society, is not barely to live, which they may do diſperſt, as other Animals: But to live happily; and a Life anſwerable to the dignity and excellency of their kind. Out of Society, this happineſs is not to be had, for ſingly we are impotent, and defective, unable to procure thoſe things that are either of neceſſity, or ornament for our lives; and as unable to defend and keep them when they are acquired. To Remedy theſe defects, we Aſſociate together that what we can neither enjoy nor keep, ſingly, by mutual benefits and aſſiſtances, one of another, we may be able to do both. We cannot poſſibly accompliſh theſe ends, if we ſubmit not our paſſions and appetites to the Laws of reaſon and juſtice. For the depravitie of Mans will make him as unfit to live in Society, as his neceſſity makes him unable to live out of it. And if that perverſeneſs be not regulated by Laws, Mens appetites to the ſame things; their avarice, their luſt, their ambition would quickly make Society

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as unsafe, or more, then Solitude it self, and we should associate only to be nearer our misery and our ruin. That therefore by which we accomplish the ends of a Sociable Life, is our subjection, and submission to Laws, these are the Nerves and Sinews of every Society or Common-Wealth; without which they must necessarily dissolve and fall asunder. And indeed * (as *Augustine* says) those Societies where Law and Justice is not, are not Common-Wealths or Kingdoms, but *Magna Latrocinia*, Great Confederacies of Thieves and Robbers. Those therefore that submit to no Law are not to be reputed in the Society of Mankind, which cannot consist without a Law. Therefore *Aristotle* (y) saith, Tyranny is against the Law of Nature, that is, the Law of human Society, in which human Nature is preserved. For this reason they deny a Tyrant to be *Partem Civitatis*; for every part is subject to the whole: And a Citizen (says the same Author, (z) is he who is as well obliged to the duty of obeying, as he is capable of the power of commanding. And indeed he does obey whilst he does command, that is, he obeys the Laws, which (says *Tully*) *Magistratibus præsunt, ut Magistratus præsunt Populo*, are above the Magistrates, as the Magistrates are above the People. And therefore a Tyrant that submits to no Law; but his Will and Lust are the Law, by which he governs himself and others, is no Magistrate, no Citizen or Member of any Society, but an Ulcer and a Disease that destroys it, and if it be rightly considered, a Common-wealth by falling into a Tyranny absolutely looses that Name,

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* *De Civit. Dei.* (y) *Pol. lib.* 3. *c.* 12. (z) *Lib.* 3. *c.* 8.

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Name, and is actually another thing: *Non est civitas quæ unius est viri* (says *Sophocles*) that which is one Mans, is no City. For there is no longer King and People, or Parliament and People; but those Names are changed (at least their Natures) into Masters and Servants, Lord and Slaves: And *Servorum non Civitas erit sed magna Familia* (says *Grotius*) (a) where all are Slaves, 'tis not a City but a great Family. And the truth is, we are all Members of *Whitehal*, and when our Master pleaseth, he may send for us thither, and there bore through our Ears at the Door Posts. But to conclude, a Tyrant, as we have said, being no part of a Common-wealth, nor submitting to the Laws of it, but making himself above all Law: There is no reason he should have the protection that is due to a Member of a Common-wealth, nor any defence from Laws, that does acknowledge none. He is therefore in all reason to be reckoned in the number of those Savage Beasts, that fall not with others into any heard: That have no other defence but their own strength; making a prey of all that's weaker, and by the same Justice, being a prey to all thats stronger than themselves.

In the next place, let it be considered, that a Tyrant making himself above all Law, and defending his injustice by a strength which no power of Magistrates is able to oppose: He becomes above all punishment, above all other justice, than that he receives from the stroke of some generous hand. And certainly the safety of Mankind were but ill provided for, if there

(a) *De jur. bel. l.* 3 *c.* 8.

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were no kind of Justice to reach great Villanies, but Tyrants should be *Immanitate Scelerum tuti*, secured by the greatness of their crimes. Our Laws would be then but Cobwebs indeed, made only to catch Flies; but not to hold Wasps or Hornets: And it might be then said of all Common-Wealths, what was said of *Athens*; That there only small Thieves were hanged, but the great ones were free, and condemned the rest. But he that will secure himself of all hands, must know he secures himself from none: He that flies Justice in the Court, must expect to find it in the Street: And he that goes armed against every Man; arms every Man against himself. *Bellum est in eos, Qui judiciis Coerceri non possunt* (says *Cicero*) we have War with those against whom we can have no Law. The same Author, *Cum duo sint decertandi genera, &c.* There being two ways of deciding differences, the one by Judgment and Arbitration, the other by Force: The one proper to Men, the other to Beasts. We must have recourse to the latter, when the former cannot be obtained. And certainly by the Law of Nature, *ubi cessat Judicium*, when no Justice can be had, every Man may be his own Magistrate, and do Justice for himself. For the Law (says *Grotius*) that forbids me to pursue my right but by a course of Law: Certainly supposes, *Ubi copia est Judicii*, where Law and Justice is to be had: Otherwise that Law were a defence for Injuries, not one against them: And quite contrary to the Nature of all Laws; would become the protection of the guilty against the innocent, not of the innocent against the guilty.

Now

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* *Grot. de jur. Bel. l. 1. c. 9.*

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Now as it is contrary to (a) the Laws of God and Nature, that Men, who are partial to themſelves, and therefore unjuſt to others, ſhould be their own Judges, where others are to be had: So is it as contrary to the Law of Nature, and the common Safety of Mankind, that when the Law can have no Place, Men ſhould be forbidden to repel Force by Force, and to be left without all Defence and Remedy againſt Injuries. God himſelf left not the Slave without Remedy againſt the Cruel Maſter: And what Analogy can it hold with Reaſon, that the Slave that is but his Maſter's Money; and but part of his Houſhold-ſtuff, ſhould find Redreſs againſt the Injuries, and Inſolencies of an Imperious Maſter, and a Free People, who have no Superiour but their God, ſhould have none at all againſt the Injuſtice and Oppreſſion of a Barbarous Tyrant? And were not the Incongruity fully as great, that the Law of God permitting every Man to kill a Thief, if he took him breaking open his Houſe in the Night: Becauſe then it might be ſuppoſed he could not bring him to Juſtice; but a Tyrant, that is the common Robber of Mankind, and whom no Law can take hold on, his Perſon ſhould be, *Sacroſanct, cui nihil ſacrum aut ſanctum*, to whom nothing is ſacred, nothing inviolable? But the vulgar judge ridiculouſly like themſelves. The gliſter of Things dazzles their Eyes, and they judge of them by their Appearances; and the Colours that are put on them. For what can be more abſurd in Nature, and contrary to all common Senſe, than to call him Thief, and kill him that comes alone, or

(a) *Deut.* 17. (b) *Exod.* 21.

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with a few to rob me: And to call him Lord Protector and obey him, that robs me with Regiments and Troops? As if to rove with two or three Ships were to be a Pirate, but with fifty an Admiral? But if it be the Number of Adherents only, not the Cauſe, that makes the Difference between a Robber and a Protector: I wiſh that Number were defined, that we might know where the Thief ends, and the Prince begins. And be able to diſtinguiſh between a Robbery and a Tax. But ſure no *Engliſhman* can be ignorant, that it is his Birth-Right to be Maſter of his own Eſtate; and that none can command any Part of it but by his own Grant and Conſent, either made expreſly by himſelf, or virtually by a Parliament. All other Ways are meer Robberies in other Names: *Auferre, trucidare, rapere, falſis nominibus imperium, atque ubi ſolitudinem faciunt, pacem appellant:* (a) To rob, to extort, to murder Tyrants falſly call'd to govern, and to make Deſolation, they call to ſettle Peace: In every Aſſeſſment we are robb'd, the Exciſe is Robbery, the Cuſtoms Robbery, and without Doubt, whenever 'tis prudent, 'tis always lawful, to kill the Thieves, whom we can bring to no other Juſtice. And (b) not only lawful, and to do ourſelves Right, but glorious, and to deſerve of Mankind, to free the World of that common Robber, that univerſal Pirate, under whom, and for whom, the leſſer Beaſts prey. This Fire-Brand I would have any Way extinguiſh'd: This Ulcer I would have any hand to launch. And I cannot doubt but God will ſuddenly ſanctifie ſome hand to do it, and bring down that Bloody and Deceitful Man, who lives not only to the Miſery, but the Infamy of our Nation.

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(a) *Exod.* 22. 2. (b) Tacit. *in Vit.* Agric.

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I ſhould have Reaſon to be much leſs confident of the Juſtice of this Opinion, if it were new, and only grounded upon Collections and Interpretations of my own. But herein if I am deceived, I ſhall however have the Excuſe to have been drawn into that Error, by the Examples that are left us by the greateſt and moſt vertuous, and the Opinions of the wiſeſt and graveſt Men, that have left their Memories to Poſterity. Out of the great Plenty of Confirmations I could bring for this Opinion, from Examples and Authorities; I ſhall ſelect a very few; for manifeſt Truths have not Need of thoſe Supports; and I have as little Mind to tire my ſelf as my Reader.

Firſt therefore (*c*) an Uſurper that by only Force poſſeſſeth himſelf of Government, and by Force only keeps it, is yet in the State of War with every Man, ſays the Learned *Grotius*: And therefore every Thing is lawful againſt him, that is lawful againſt an open Enemy, whom every private Man hath a Right to kill. (*d*) *Hoſtis hoſtem occidere volui* ſays *Scævola* to *Porſena*; when he was taken, after he had failed in his Attempt to kill him; I am an Enemy and an Enemy I would have kill'd: which every Man hath a Right to do.

Contra publicos hoſtes, & majeſtatis Reos, omnis homo miles eſt (ſays *Tertullian*,) Againſt common Enemies, and thoſe that are Traytors to the Common-Wealth, every Man is a Soldier. This Opinion the moſt Celebrated Nations have approved both by their Laws and Practices. The *Grecians* (as *Zenophon* tells us) who ſuffered not Murderers

(*c*) *de in Bell.* lib. 1, c. 4. (*d*) *Luc.* lib. 2.

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Murderers to come into their Temples, in thoſe very Temples they erected Statues to thoſe that killed Tyrants, thinking it fit to place their Deliverers amongſt their Gods. *Cicero* was an Eye-Witneſs of the Honours that were done ſuch Men, *Græci homines &c.* (*e*) The *Greeks* (ſaith he) attribute the Honours of the Gods to thoſe that kill'd Tyrants: What have I ſeen in *Athens* and other Cities of *Greece*! What Religion paid to ſuch Men! What Songs! What Elogies? By which they are Conſecrated to Immortality, and almoſt Deified! In *Athens*, by *Solon*'s Law, Death (*f*) was not only decreed for the Tyrant that oppreſt the State, but for all thoſe that took any Charge, (*g*) or did bear any Office while the Tyranny remained. And *Plato* tells us the ordinary Courſe they took with Tyrants in *Greece*. If (ſays he) the Tyrant cannot be expuls'd by accuſing him to the Citizens; then by ſecret Practices they diſpatch him.

Amongſt the *Romans* the *Valerean* Law was, (*h*) *ſi quis injuſſu populi, &c.* Whoſoever took Magiſtracy upon him, without the Command of the People, it was lawful for any Man to kill him. *Plutarch* makes this Law more ſevere, (*i*) *ut injudicatum occidere eum licet qui dominatum concupiſceret.* That it was lawful by that Law, before any Judgment paſt, to kill him that but aſpired to Tyranny. Likewiſe the *Conſular* Law, which was made after the Suppreſſion of the Tyranny of the *Decemvirate*, made it lawful to kill any Man that went about to create Magiſtrates,

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(*e*) *Pro milone.* (*f*) Plut. *in* Solon. (*g*) *Let his Highneſs's Fancy mark this.* (*h*) *De Repub.* lib. 8. (*i*) *In public-*

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ſine Provocatione &c. Without Reference and Appeal to the People. By theſe Laws and innumerable Teſtimonies of Authors, it appears; that the *Romans*, with the reſt of their Philoſophy, had learned from the *Grecians* what was the natural Remedy againſt a Tyrant: Nor did they honour theſe leſs that durſt apply it. Who, as *Polybius* ſays (ſpeaking of Conſpiracies againſt Tyrants) were not, (*k*) *deterrimi Civium, ſed generoſiſſimi quique, & maximi animi*; not the worſt and meaneſt of the Citizens, but the moſt generous, and theſe of greateſt Vertue. So were moſt of theſe that conſpired againſt *Julius Cæſar*. He himſelf thought *Brutus* worthy to ſucceed him in the Empire of the World: And *Cicero*, who had the Title of *Pater Patriæ*; if he were not conſcious of the Deſign, yet he at leaſt affected the Honour of being thought ſo. (*l*) *quæ enim res unquam &c.* What Act (ſays he) O *Jupiter* more glorious! more worthy of eternal memory, hath been done not only in this City, but in the the whole World! In this Deſign, as the *Trojan* Horſe, I willingly ſuffer myſelf to be included with the Princes. In the ſame place he tells us what all vertuous *Romans* thought of the Fact as well as he. *Omnes boni quantum in ipſis fuit Cæſarem occiderunt: aliis conſilium: altis animus: aliis occaſio defuit, voluntas nemini.* All good Men (ſaith he) as much as lay in them, killed *Cæſar*: Some wanted Capacity: Some Courage: Others Opportunity: But none the Will to do it. But yet we have not declared the Extent of their Severity againſt a Tyrant. They expoſed him to Fraud, as well as Force, and left

(*k*) *Hiſt.* lib. 6. (*l*) Phillip 2.

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left him no Security in Oaths, and Compacts: that neither Law nor Religion might defend him, that violated both. *Cum Tyranno Romanis nulla fides, nulla jurisjurandi Religio,* ſaith *Brutus* in *Appian: (a)* With a Tyrant the *Romans* think no Faith to be kept, obſerve no Religion of an Oath. *Seneca* gives the Reaſon; *Qui quicquid erat, quo mihi cohereret &c.(b)* For whatever there was of mutual Obligation betwixt us; his deſtroying the Laws of humane Society, hath diſſolved: So theſe that thought, that there was in *hoſtem nefas, (c)* that a Villany might be committed againſt an Enemy: Theſe that profeſt, *(d) non minus juſte quam fortiter arma gerere,* to manage their Arms with Juſtice as well as Courage: Theſe that *(e)* thought Faith was to be kept even with the perfidious, *(f)* yet they thought a Tyrant could receive no Injuſtice, but to be let live; and that the moſt lawful Way to deſtroy him was the readieſt. No matter whether by Force or Fraud; for againſt Beaſts of Prey, Men uſe the Toil and the Net as well as the Spear and the Launce. But ſo great was their Deteſtation of a Tyrant, that it made ſome take their Opinions from their Paſſions; and vent Things which they could but ill juſtifie to their Morality: They thought *(g)* a Tyrant had ſo abſolutely forfeited all Title to Humanity, and all kind of Protection they could give him or his: That *(h)* they left his Wife without any other Guard for her Chaſtity but Age and Deformity; and thought it not Adultery what was committed with her. Many more Teſtimonies might

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(a) Appian lib. 7. *de Bonif.* *(b) Sin.*
(c) Id. *(d)* Saul *of* *(e) Regulus qui longum ſemper Fama &c.* *(f)* Senec. *in Exerc.* 4. 7. *(h) Mich. Epheſ. ad* 5. *Nich.*

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might I bring, for 'tis harder to make Choice than to find Plenty. But I shall conclude with Authorities that are much more authentick; and Examples we may much more safely imitate.

The Law of God it self decreed certain (*a*) Death to that Man that would do presumptuously, and submit to no Decision of Justice. Who can read this, and think a Tyrant ought to live? But certainly neither that, nor any other Law were to any Effect, if there were no Way to put it in Execution. But in a Tyrant's Case Process and Citation have no place, and if we will only have formal Remedies against him, we are sure to have none. There's small Hopes of Justice where the Malefactor hath a Power to condemn the Judge.

All Remedy therefore against a Tyrant is *Ehud*'s Dagger, without which all our Laws were fruitless, and we helpless. This is that High Court of Justice where *Moses* brought the *Ægyptian*: whether *Ehud* brought *Eglon*: *Sampson* the *Philistins*: *Samuel Agag*: And *Jehoiada* the She-Tyrant *Athaliah*.

Let us a little consider in particular these several Examples, and see whether they may be proportioned to our Purpose.

First, as to the Case of *Moses* and the *Ægyptian*: certainly every *Englishman* hath as much Call as *Moses*, and more Cause than he, to slay this *Ægyptian* that is always laying on (*b*) *Burthens*, and always smiting both our Brethren and ourselves. For as to his Call, he had no other that we read of, but the Necessity his Brother stood in of his Help. He look'd on his *Brethrens*

E *Burthens*,

(*a*) *Utique morietur vir ille* Deut. 17. 12. (*b*) *Ex.* 2. 11, 12.

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Burthens, and *seeing an Ægyptian smiting an Hebrew*, knowing he was out of the Reach of all other Kind of Justice, *he slew* him. Certainly this was, and is as lawful for any Man to do, as it was for *Moses*, who was then but a private Man, and had no Authority for what he did, but what the Law of Nature gives every Man; to oppose Force to Force, and to make Justice where he finds none. As to the Cause of that Action, we have much more to say than *Moses* had: He saw one *Hebrew* smitten, we many *Englishmen* murder'd; he saw his Brethrens Burthens, and their Blows, we our Brethrens Burthens, Imprisonments and Deaths. Now sure, if it were lawful for *Moses* to kill that *Ægyptian* that oppress one Man, being there was no Way to procure an ordinary Course of Justice against him: It cannot be but absurd to think it unlawful to kill him (*a*) that oppresses a whole Nation, and one that Justice as little reaches as it defends.

The Example of *Ehud* shews us the natural, and almost the only Remedy against a Tyrant, and the Way to free an oppress People from the Slavery of an Insulting *Moabite*, 'tis done by Prayers and Tears, with the Help of a Dagger, by crying to the Lord, and the left Hand of an *Ehud*, Devotion and Action go well together; for, believe it, a Tyrant is not of that Kind of Devil that is to be cast out by only Fasting and Prayer: And here the Scripture shews us what the Lord thought a fit Message to send a Tyrant

(*a*) *Vid. Et. Governador Christiano.* c. 8. p. 40. *Qualquiera ciudadano me de repetor la fuerca &c.* (*b*) *Judg.* c. 3. v. 11. 19, 20, 21. v. 15.

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Tyrant from himſelf: A Dagger of a Cubit in his Belly, and every Worthy Man that deſires to be an *Ehud*, a Deliverer of his Country, will ſtrive to be the Meſſenger.

We may here likewiſe obſerve in this and many Places of *Judges*, that when the *Iſraelites* fell to Idolatry, which of all Sins certainly is one of the greateſt: God Almighty to proportion the Puniſhment and the Offence, (*c*) ſtill delivered them into the Hands of Tyrants; which ſure is one of the greateſt of all Plagues.

In the Story of *Samſon* 'tis manifeſt, that the denying him his Wife, and after the burning her and her Father; (*d*) which tho' they were great, yet were but private Injuries, he took for ſufficient grounds to make War upon the *Philiſtins*, being himſelf but a private Man, and not only not aſſiſted, but oppoſed (*e*) by his ſervile Country-Men. He knew what the Law of Nature allowed him, where other Laws have no place, and thought it a ſufficient juſtification for ſmiting the *Philiſtin's* Hip and Thigh to anſwer for himſelf, that as they did unto him, ſo had he done unto them.

Now, that which was lawful for *Sampſon* to do againſt many Oppreſſors, why is it unlawful for us to do againſt one? Are our Injuries leſs? Our Friends and Relations are daily murdered before our Faces. Have we other Ways for Reparation? let them be named and I am ſilenc'd. But if we have none, the Fire-Brands, or the Jaw-Bone, the firſt Weapons our juſt Fury can lay hold on, may certainly be lawfully employed againſt that

(*c*) v. 20. (*d*) *Judg.* 25. (*e*) v. 11.

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uncircumcised Philistin that oppresses us. We have too the Opposition and Discouragements that *Sampson* had, and therefore have the more Need of his Courage and Resolution. As he (*a*) had the Men of *Judah*, so we have the Men of *Levi*, crying to us out of the Pulpit, as from the Top of the Rock *Etam*, know you not that the *Philistin* is Ruler over you? The Truth is, they would feign make him so, and bind us with *Sampson* in new Cords, but we hope they will become as Flax, and that they will either loose from our Hands, or we shall have the Courage to cut them.

Upon the same Grounds of Retaliation did *Samuel* do Justice with his own Hand upon the Tyrant *Agag*. *As thy Sword* (says the Prophet) *hath made Women Childless, so shall thy Mother be Childless amongst Women:* (*b*) Nor is there any Law more natural and more just.

How many Mothers has our *Agag*, for his own Ambition, made Childless? how many Children Fatherless? how many have this Reason to hew this *Amalekite* in Pieces before the Lord? (*c*) And let his own Relations, and all theirs that are Confederates with him, beware, lest Men come at last to revenge their own Relations in them. They make many a Woman Husbandless, many a Father Childless. Their Wives may come at last to know what 'tis to want a Husband, and themselves to lose their Children. Let them remember what their great Apostle *Machiavel* tells them; that in Contestations for the preserving their Liberty, People many Times use Moderation; but when they come to vindicate it, their Rigour exceeds

(*a*) *Judg.* 25. v. 14. (*b*) 1 *Sam.* 15. 33. (*c*) *in Discors.*

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ceeds all Mean, like Beasts that have been long kept up, and are afterwards let loose, they always are more fierce and cruel.

To conclude with the Example *Jehoiada* hath left us. Six Years he hid the Right Heir of the *(a)* Crown in the House of the Lord, and without all Doubt, amongst the rest of God's Services there he was all that Time contriving the Destruction of the Tyrant, that had aspired to the Crown by the Destruction of those that had the Right to it. *Jehoiada* had no Pretence to authorise this Action; but the Equity and Justice of the Act itself. He pretended no immediate Command from God for what he did, nor any Authority from the *Sanhedrym*, and therefore any Man might have done what *Jehoiada* did as lawfully, that could have done it as effectually as he. Now what Citation was given to *Athaliah*, what Appearance was she call'd to before any Court of Justice: Her Fact was her Trial, she was without any Expostulation *(b)* taken forth of the Ranges and only let live till she got out of the Temple, that that holy Place might not be defiled by the Blood of a Tyrant, which was fitter to be shed on a Dung hill, and so they slew her at the Horse-gate. And by the King's House, the very white Hall, where she had caused the Blood Royal to be spilt, and which her self had so long unjustly possest, there by Providence did she receive her Punishment where she had acted so great a Part of her Crimes. How the People approved of this glorious Action of destroying a Tyrant, this Chapter tells us at the last Verse. *And all the People of the Land rejoyced, and the City was quiet, after they had slain* Athaliah

(a) 2 *Kings* c. 11. 2 *Chron.* 23. (b) 2 *Chron.* 23. 14.

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Athaliah *with the Sword.* (*a*) And that it may appear they no leſs honoured the Authors of ſuch Actions, than other Nations did; as in his Life Time they obeyed *Jehoiada* as a King, ſo after his Death, for the Good he had done in *Iſrael* (ſaith the Scripture) they likewiſe bury'd him amongſt the Kings. (*b*)

I muſt not conclude this Story without obſerving that *Jehoiada* commanded, that whoſoever followed *Athaliah* ſhould be put to Death. (*c*) Letting us ſee what they deſerve that are Confederates with Tyrants and will ſide with them, and but appear to defend them, or allow them, his Highneſs, his Counſell, his Junto, and the Agaes of his Janizaries, may, if they pleaſe, take Notice of this, and repent, leſt they likewiſe periſh. And likewiſe his Highneſs's Chaplains, and Tryers who are to admit none into the Miniſtry that will preach Liberty with the Goſpel; may, if they think fit, obſerve, that with the Tyrant fell *Mattan* the Prieſt of *Baal.* And indeed none but *Baal's* Prieſts will preach for Tyrants. And certainly thoſe Prieſts that ſacrifice to our *Baal,* our Idol of a Magiſtrate, deſerves as well to be hang'd before their Pulpits, as ever *Mattan* did to fall before his Altars. (*d*)

I ſhould think now I had ſaid much more than enough to the ſecond Queſtion, and ſhould come to the the third and laſt I propoſed in my Method; but I meet with two Objections lying in my Way. The firſt is, That theſe Examples out of Scripture are of Men that were inſpired of

(*a*) 2 *Chron.* 23. 14. (*b*) 2 *Chron.* 24. 16. (*c*) *Mr.* Sindercomb's *Judge and Jury may likewiſe conſider of this point.* (*d*) 2 *Chron,* 23. 17.

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of God, and that therefore they had that Call and Authority for their Actions, which we cannot pretend to, so that it would be unsafe for us to draw their Actions into Examples, except we had likewise their Justifications to alledge.

The other Objection is, That there being now no Opposition made to the Government of his Highness, that the People following their Callings and Traffick, at home and abroad, making use of the Laws, and appealing to his Highness's Courts of Justice. That all this argues the People's *tacit* Consent to the Government; and that therefore now 'tis to be reputed lawful, and the People's Obedience voluntary.

To the first I answer with Learned *Milton*, that if God commanded these Things, 'tis a Sign they were lawful and are commendable. But secondly, as I observed in the Relations of the Examples themselves; neither *Samson* nor *Samuel* alledged any other Cause or Reason for what they did, but Retaliation, and the apparent Justice of the Actions themselves. Nor had God appeared to *Moses* in the Bush when he slew the *Ægyptian*; nor did *Jehoiada* alledge any Prophetical Authority or other Call to do what he did, but that common Call which all Men have, to do all Actions of Justice that are within their Power, when the ordinary Course of Justice ceases.

To the second my Answer is, That if Commerce and Pleadings were enough to argue the People's Consent, and give Tyranny the Name of Government, there was never yet any Tyranny of many Weeks standing in this World. Certainly, we then extreamly wrong *Caligula* and *Nero* in calling them Tyrants, and they were Rebels that conspired against them; except we

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we will believe, that all the while they reign'd, that in *Rome* they kept their Shops shut, and opened not their Temples, or their Courts. We are likewise with no less Absurdity, to imagine that the whole 18 Years Time which *Israel* served *Eglon*, and 6 Years that *Athaliah* reigned, that the *Israelites* quite desisted from Traffick, Pleadings and all publick Acts: Otherwise *Ehud* and *Jehoiada* were both Traytors, the one for killing his King, the other his Queen.

Having shewed what a Tyrant is, his Marks and Practises: I can scarce persuade my self to say any Thing to that I made my third Question, whether the removing him is like to prove of Advantage to the Common-Wealth or not? for methinks tis to enquire whether 'tis better the Man dye or the Impossthume be lanc'd, or the Gangreen'd Limb be cut off? But yet there be some whose Cowardice and Avarice furnish them with some Arguments to the contrary; and they would fain make the World believe, that to be base and degenerate, is to be cautious and prudent; and what is in Truth a servile Fear, they falsly call a Christian Patience. It will not therefore be amiss to make appear that there is indeed that Necessity, which we think there is, of saving the Vineyard of the Common-Wealth, if possible, by destroying the Wild Boar that is broke into it. We have already shewed that it is lawful, and now we shall see whether it is expedient. First, I have already told you that, to be under a Tyrant is not to be a Common-Wealth; but a great Family, consisting of Master and Slaves. *Vir bone servorum nulla est usquam civitas*, says an Old Poet, a Number of Slaves makes not a City. So that whilst this Monster lives we are not Members of a Common-Wealth, but

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but only his living Tools and Instruments, which he may employ to what Use he pleases. *Servi tua est Fortuna, Ratio ad te nihil*, says another; *Thy Condition is a Slave's, thou art not to enquire a Reason*; nor must we think we can continue long in the Condition of Slaves, and not degenerate into the Habits and Temper that is natural to that Condition: Our Minds will grow low with our Fortune, and by being accustomed to live like Slaves, we shall become unfit to be any Thing else. *Etiam fera animalia si clausa teneas virtutis obliviscuntur*, says *Tacitus*, (a) The fiercest Creatures by long Constraint, lose their Courage. And says Sir *Fr. Bacon*, *The Blessing of* Issachar *and that of* Judah *falls not upon one People, to be Asses crouching under Burdens, and to have the Spirit of Lyons.* And with their Courage 'tis no Wonder if they lose their Fortune, as the Effect with the Cause, and act as ignominiously abroad as they suffer at home. 'Tis *Machiavel's* (b) Observation, *That the* Roman *Armies that were always victorious under Consuls, all the while they were under the Slavery of the* Decemviri *never prospered.* And certainly People have Reason to fight but faintly where they are to gain the Victory against themselves; when every Success shall be a Confirmation of their Slavery, and a new Link to their Chain.

But we shall not only lose our Courage, which is a useless and an unsafe Virtue under a Tyrant, but by Degrees we shall, after the Example of our Master, all turn perfidious, deceitful, irreligious, Flatterers, and whatever else is villanous and infamous in Mankind. See but to what Degree we are come already: Can there any Oath be found so fortified by all Religious Ties, which we easily find not a Distinction to break,

(a) *Hist. lib.* 4. (b) *Discors* l. 1 c. 24.

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when either Profit or Danger perſuades us to it? Do we remember any Engagements, or if we do, have we any Shame to break them? Can any Man think with Patience upon what we have profeſſed, when he ſees what we wildly do, and tamely ſuffer? What have we of Noblity amongſt us but the Name, the Luxury and the Vices of it? Poor Wretches, theſe that now carry that Title, are ſo far from having any of the Virtues, that ſhould grace and indeed give them their Titles, that they have not ſo much as the gegenerous Vices that attend Greatneſs; they have loſt all Ambition and Indignation. (a) As for our Miniſters, what have they? or indeed deſire they, of their Calling, but the Tythes? How do theſe Horrid Prevaricators ſearch for Diſtinctions to piece contrary Oaths? How do they rake Scriptures for Flatteries? and impudently apply them to his Monſtrous Highneſs? What is the City but a great Tame Beaſt, that eats and carries, and cares not who rides it? What's the Thing call'd a Parliament, but a Mock? compoſed of a People that are only ſuffer'd to ſit there becauſe they are known to have no Virtue, after the Excluſion of all others that were but ſuſpected to have any? What are they but Pimps of Tyranny, who are only employed to draw in the People to proſtitute their Liberty? What will not the Army fight for? What will they not fight againſt? What are they but Janizaries, Slaves themſelves, and making all others ſo? What are the People in general but Knaves, Fools, and Cowards, principled for Eaſe, Vice, and Slavery? This is our Temper, this Tyranny hath brought us to already? and if it continues, the

(a) *Dr.* Locker, *Dr.* Owen, *Mr.* Jenkins, *&c.*

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the little Virtue that is yet left to ſtock the Nation muſt totally extinguiſh ; (*a*) and then his Highneſs hath compleated his Work of Reformation. And the Truth is, 'till then his Highneſs cannot be ſecure. He muſt not endure Virtue, for that will not endure him. He that will maintain Tyranny muſt kill *Brutus*, ſays *Machiavel*. A Tyrant, ſays *Plato*, (*b*) muſt diſpatch all vertuous Perſons, or he cannot be ſafe ; ſo that he is brought to that unhappy Neceſſity, either to live amongſt baſe and wicked Perſons, or not to live at all.

Nor muſt we expect any Cure from our Patience ; *Inxanno ſi gli huomini*, ſays *Machiavel*, *credendo con la humilit à vincere la ſuperbia.* (*c*) Men deceive themſelves that think to mollifie Arrogancy with Humility ; a Tyrant is never modeſt but when he is weak ; 'tis in the Winter of his Fortune when this Serpent bites not : We muſt not therefore ſuffer our ſelves to be cozened with Hopes of his Amendment ; for, *Nemo unquam* (*d*) *Imperium flagitio quæſitum bonis artibus exercuit*, Never did any Man manage the Government with Juſtice that got it by Villany. The longer the Tyrant lives the more the Tyrannical Humour encreaſes in him, ſays (*e*) *Plato*, like thoſe Beaſts that grow more curſt as they grow old. New Occaſions daily happen that neceſſitate them to new Miſchiefs ; and he muſt defend one Villany with another.

But ſuppoſe the contrary of all this, and that his Highneſs were *vi dominationis convulſus, & mutatus*, changed to the better by great Fortune (of which he yet gives no Symptoms) what notwithſtanding could be more miſerable than

(*a*) *Diſc.* l. 3. c. 3. (*b*) *De Repub.* l. 8. (*c*) *Diſc.* l. 2. c. 14. (*d*) Tacit. *Hiſt.* l. 1. (*e*) *De Repub.* l. 9.

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to have no other Security for our Liberty, no other Law for our Safety, than the Will of a Man, though the moſt juſt living? We have all our Beaſt within us; and whoſoever (ſays (*a*) *Ariſtotle*) is governed by a Man without a Law, is governed by a Man and by a Beaſt. *Etiam ſi non ſit moleſtus Dominus; tamen eſt miſerrimum poſſe ſi velit* (ſays (*b*) *Tully*,) Though a Maſter does not tyrannize, yet 'tis a moſt miſerable Thing that 'tis in his Power to do ſo if he will. If he be good, ſo was *Nero* for five Years; and how ſhall we be ſecure that he will not change? Beſides, the Power that is allowed to a good Man, we may be ſure will be claimed and taken by an ill; and therefore it hath been the Cuſtom of good Princes (*c*) to abridge their own Power, it may be diſtruſting themſelves, but certainly fearing their Succeſſors, to the Chance of whoſe being vertuous, they would not hazard the Welfare of their People. An Unlimited Power therefore is to be truſted to none, which if it does not find a Tyrant, commonly makes one; or if one uſes it modeſtly 'tis no Argument that others will; and therefore *Auguſtus Cæſar* muſt have no greater Power given him than you would have *Tiberius* take. And (*d*) *Cicero*'s Moderation is to be truſted with a Conſideration, that there are others to be Conſuls as well as he.

But before I preſs this Buſineſs farther, if it needs be any farther preſt, that we ſhould endeavour to reſcue the Honour, the Virtue, and Liberty of our Nation, I ſhall anſwer to ſome few Objections that have occurred to me. This I ſhall do very briefly. Some

(*a*) *Pol.* l. 3. c. 11. (*b*) *Cic. Phil.* 4. (*c*) *Lycurgus Theopomp Plut. in Lycurg.* (*d*) *Vid. Orat.* Cæſaris *in* Salluſt. *conſp.* Cat.

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Some I find of a ſtrange Opinion, that it were a generous and a noble Action to kill his Highneſs in the Field; but to do it privately they think it unlawful, but know not why; as if it were not generous to apprehend a Thief 'till his Sword were drawn and he in a Poſture to defend himſelf and kill me. But theſe People do not conſider that whoſoever is poſſeſſed of Power any Time, will be ſure to engage ſo many either in Guilt or Profit, or both, that to go about to throw him out by open Force, will very much hazard the total Ruin of the Common-Wealth. A Tyrant is a Devil that tears the Body in the exorciſing, and they are all of *Caligula*'s Temper, that if they could, they would have the whole Frame of Nature fall with *(a)* them. 'Tis an Opinion that deſerves no other Refutation than the manifeſt Abſurdity of itſelf; that it ſhould be lawful for me to deſtroy a Tyrant with Hazard, Blood, and Confuſion, but not without.

Another Objection, and more common, is the Fear of what may ſucceed if his Highneſs were removed. One would think the World were bewitched. I am fallen into a Ditch where I ſhall certainly periſh if I lye; but I refuſe to be helped out for Fear of falling into another: I ſuffer a certain Miſery for Fear of a contingent one, and let the Diſeaſe kill me becauſe there is Hazard in the Cure. Is not this that ridiculous Policy, *Ne moriare, mori* to dye for Fear of dying. Sure 'tis Frenzy not to deſire a Change when we are ſure we cannot be worſe. *Et non incurrere in pericula, ubi quies centi paria metuuntur, (b)* and not then to hazard, when the

(a) Sueton. *in vit.* Calig. *(b)* *Seneca.*

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the Danger and the Miſchiefs are the ſame in lying ſtill.

Hitherto I have ſpoken in general to all *Engliſhmen*; now I addreſs my Diſcourſe particularly to thoſe that certainly beſt deſerve that Name, our ſelves, that have fought, however unfortunately, for our Liberties under this Tyrant; and in the End, cozened by his Oaths and Tears, have purchaſed nothing but our Slavery with the Price of our Blood. To us particularly it belongs to bring this Monſter to Juſtice, whom he hath made the Inſtruments of his Villany, and Sharers in the Curſe and Deteſtation that is due to himſelf from all good Men: Others only have their Liberty to vindicate, we our Liberty and our Honour. We engaged to the People with him, and to the People for him, and from our Hands they may juſtly expect a Satisfaction of Puniſhment, being they cannot have that of Performance. What the People at preſent endure, and Poſterity ſhall ſuffer, will be all laid at our Doors; for only we, under God, have the Power to pull down this *Dagon* which we have ſet up: And if we do it not, all Mankind will repute us Approvers of all the Villanies he hath done, and Authors of all to come. Shall we that would not endure a King attempting Tyranny, ſhall we ſuffer a profeſt Tyrant? We that reſiſted the Lyon aſſailing us, ſhall we ſubmit to the Wolf tearing us (*c*)? If there be no Remedy to be found, we have great Reaſon to exclaim, *Utinam te potius* (Carole) *retinuiſſemus quam hunc habuiſſemus, non quod ulla ſit optanda ſervitus, ſed quod ex dignitate Domini minus turpis eſt conditio ſervi*, We wiſh we had rather endured thee (O Charles,

(*c*) *Cic. in Epiſt. ad Octav.*

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Charles) than have been condemned to this mean Tyrant; not that we desire any kind of Slavery, but that the Quality of the Master something graces the Condition of the Slave.

But if we consider it rightly, what our Duty, our Engagements, and our Honour exact from us, both our Safety and our Interest oblige us to; and 'tis as unanswerable, in us, to Discretion as 'tis to Virtue, to let this Viper live: For first, he knows very well 'tis only we that have the Power to hurt him, and therefore of us he will take any Course to secure himself: He is conscious to himself how falsly and perfidiously he hath dealt with us; and therefore he will always fear that from our Revenge, which he knows he hath so well deserved.

Lastly, he knows our Principles, how directly contrary they are to that Arbitrary Power he must govern by, and therefore he may reasonably suspect, that we that have already ventured our Lives against Tyranny, will always have the Will, when we have the Opportunity, to do the same again.

These Considerations will easily persuade him to secure himself of us, if we prevent him not, and secure our selves of him. He reads in his Practice of Piety, *chi diviene Patron, &c.* He that makes himself Master of a City, that hath been accustomed to Liberty, if he destroys it not, he must expect to be destroyed by it. And we may read too in the same Author, and believe him, that those who are the Occasion that one becomes powerful, always ruins them if they want the Wit and Courage to secure themselves *(b)*

Now as to our Interest, we must never expect that he will ever trust those that he hath provoked

(a) Mach. pr. c. 5. *(b) ibid.* c. 3.

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voked and fears: He will be ſure to keep us down leſt we ſhould pluck down him. 'Tis the Rule that Tyrants obſerve, when they are in Power never to make much Uſe of thoſe who helped them to it; and indeed 'tis their Intereſt and Security not to do it: For thoſe that have been the Authors of their Greatneſs, being conſcious of their own Merit, they are bold with the Tyrant, and leſs induſtrious to pleaſe him: They think all he can do for them is their Due, and ſtill they expect more; and when they fail in their Expectations, (as 'tis impoſſible to ſatisfie them) their Diſappointments make them diſcontented and their Diſcontents dangerous. Therefore all Tyrants follow the Example of *Dionyſius*, who was ſaid to uſe his Friends as he did his Bottles. When he had Uſe for them he kept them by him; when he had none, that they ſhould not trouble him and lye in his Way, he hung them up.

But to conclude this already over-long Paper, Let every Man to whom God hath given the Spirit of Wiſdom and Courage, be perſuaded by his Honour, his Safety, his own Good and his Country's, and indeed the Duty he owes to his Generation, and to Mankind, to endeavour by all rational Means to free the World of this Peſt. Let not other Nations have the Occaſion to think ſo meanly of us, as if we reſolved to ſit ſtill and have our Ears bored, or that any Diſcouragements or Diſappointments can ever make us deſiſt from attempting our Liberty, 'till we have purchaſed it, either by this Monſter's Death or by our own. Our Nation is not yet ſo barren of Virtue, that we want Noble Examples to follow amongſt our ſelves. The Brave *Sindercomb* hath ſhewed as great a Mind as any Old *Rome* could

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could boaſt of; and had he lived there, his Name had been regiſtred with *Brutus* and *Cato*, and he had had his Statues as well as they.

But I will not have ſo ſiniſter an Opinion of our ſelves (as little Generoſity and Slavery hath left us) as to think ſo great a Virtue can want its Monuments even amongſt us. Certainly in every Vertuous Mind there are Statues rear'd to *Sindercomb*. Whenever we read the Elogies of thoſe that have dy'd for their Country; when we admire thoſe Great Examples of Magnanimity, that have tyred Tyrants Cruelties; when we extol their Conſtancy whom neither Bribes nor Terrors could make betray their Friends; 'tis then we erect *Sindercomb* Statues, and grave him Monuments; where all that can be ſaid of a Great and Noble Mind, we juſtly make an Epitaph for him: And though the Tyrant cauſed him to be ſmother'd, leſt the People ſhould hinder an Open Murder, yet he will never be able either to ſmother his Memory, or his own Villany. His Poiſon was but a poor and common Device to impoſe only on thoſe that underſtood not Tyrants Practices, and are unacquainted (if any be) with his Cruelties and Falſhoods. He may therefore, if he pleaſe, take away the Stake from *Sindercomb*'s Grave, and if he have a Mind it ſhould be known how he died, let him ſend thither the Pillows and Feather-Beds with which *Barkſtead* and his Hangman ſmother'd him. But to conclude, Let not this Monſter think himſelf the more ſecure that he hath ſuppreſt one Great Spirit, (a) he may be confident that *Longus poſt illum ſequitur ordo idem petentium decus.* There's

(a) *And what may* Cicil *and* Toop *expect for their Treachery and Perjury?*

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There's a Great Roll behind, even of those that are in his own Muster-Rolls, and are ambitious of the Name of the DELIVERERS of their Country; and they know what the Action is that will purchase it. His Bed, his Table, is not secure, and he stands in Need of other Guards to defend him against his own. Death and Destruction pursues him wherever he goes; they follow him every where, like his Fellow-Travellers, and at last they will come upon him (*b*) like Armed Men. Darkness is hid in his secret Places, a Fire not blown shall consume him; it shall go ill with him that is left in his Tabernacle. *He shall flee from the Iron Weapon, and a Bow of Steel shall strike him thorow.* (*c*) Because he hath oppressed, and forsaken the Poor; because he hath violently taken away an House which he builded not; we may be confident, and so may he, that e'er long all this will be accomplish'd; for the Triumphing of the Wicked is but short, and the Joy of the Hypocrite but for a Moment. Though his Excellency (*d*) mount up to the Heavens, and his Head reacheth unto the Clouds, yet he shall perish for ever like his own Dung. They that have seen him shall say, *Where is he?*

(*b*) Job 20. (*c*) Whitehall, Hampton-Court, &c. (*d*) v. 24. (*e*) *He hath now left that Title for* Highness, *and will shortly leave that for* King.

POSTCRIPT.

Courteous Reader,

EXpect another Sheet or two of Paper of this Subject, if I escape the Tyrant's Hands, altho' he gets (in the *Interim*) the Crown upon his Head, which he hath (under-hand) put his Confederates on to petition his Acceptance thereof.

FINIS.

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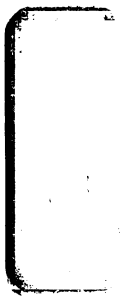

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